

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VENICE PI, LLC,

Plaintiff,

V.

MICHAEL SMITH,

Defendant.

C17-1211 TSZ

ORDER

By Minute Order entered September 11, 2019, docket no. 76, the Court directed parties to meet and confer and to file a Joint Status Report on or before October 2, 2019. The parties were advised that failure to file a Joint Status Report would constitute grounds for dismissal of defendant Michael Smith's counterclaims for declaratory judgment of non-infringement and abuse of process. Plaintiff's claims against defendant Smith, having been previously dismissed, see Minute Order (docket no. 72), and no Joint Status Report having been filed, defendant Smith's counterclaims and this action are hereby DISMISSED without prejudice. See Fed. R. Civ. P. 41(b); see also *Wallace v. Seeger*, 2000 WL 1728285 (9th Cir. Nov. 20, 2000) (affirming dismissal without prejudice for failure to timely file a joint status report (citing *Malone v. U.S. Postal Service*, 852 F.2d 128, 132 (9th Cir. 1987))).

ORDER - 1

1 The Clerk is directed to CLOSE this case and to send a copy of this Order to all
2 counsel of record and to pro se defendant Michael Smith.

3 IT IS SO ORDERED.

4 Dated this 7th day of October, 2019.

Thomas S. Bally

Thomas S. Zilly
United States District Judge